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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 24, 2002

PETITION OF

WINSTAR WIRELESS OF VIRGINIA, LLC

and

WINSTAR OF VIRGINIA, LLC

CASE NO. PUC-2002-00073

Joint petition for authority  
to partially discontinue  
telecommunications services  
in the Commonwealth of Virginia

ORDER PERMITTING PARTIAL DISCONTINUANCE OF SERVICES

On March 29, 2002, Winstar Wireless of Virginia, LLC ("Old Winstar"), and Winstar of Virginia, LLC ("New Winstar") (collectively "Winstar," or "Petitioners") filed with the State Corporation Commission ("Commission") a Petition For Authority To Partially Discontinue Telecommunications Services in the Commonwealth of Virginia ("Petition").<sup>1</sup> In its Petition, Winstar states that it has determined that such action is a necessary business decision for the Company.<sup>2</sup>

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<sup>1</sup> Winstar's Petition indicates that the customers whose services will be discontinued are currently still being served by Old Winstar pending approval of the transfer and transition of their underlying service to New Winstar. In addition, since the discontinuance may actually occur after that transfer process is completed, the Petitioners are filing this Petition jointly.

<sup>2</sup> Old Winstar did not request that its certificates of public convenience and necessity ("CPCN") be canceled in this proceeding. Winstar holds CPCN No. T-

<p><b>Effective April 9, 2002, the new Case Management System requires that the case number format for all Commission orders change from, <u>e.g.</u>, PUE010663 to the following: PUE-2001-00663.</b></p>
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According to the Petition, Winstar is specifically requesting authority to discontinue only its facilities-based wireline services, which are facilities-based local exchange and interexchange telecommunications services that are being provided using wireline facilities leased from underlying carriers as opposed to Winstar's own fixed wireline services. This will affect approximately 62 customers located in the metropolitan Washington, D.C. area.

Pursuant to 20 VAC 5-400-180 D 7 and 20 VAC 5-411-40, Winstar cannot abandon or discontinue local exchange or interexchange telecommunications services except with the approval of the Commission and upon such terms and conditions as the Commission may prescribe. The Commission's primary concern with authorizing any discontinuance is that adequate customer notice be given. The Petitioners represent that notice was provided to all affected customers on March 15, 2002. Winstar's Petition complies with a portion of Rule 20 VAC 5-423-20 A (Requirements for discontinuance) at subsection 2, which calls

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374a to provide local exchange telecommunications services and CPCN No. TT-32B to provide interexchange telecommunications services, issued June 3, 1999, in Case No. PUC-1999-00013. In another case, PUC-2002-00010, regarding the local exchange and interexchange certification application of New Winstar, it has been represented to the Staff that once the transfer of assets from Old Winstar has been completed (PUA-2002-00003; Order issued April 4, 2002) Old Winstar will request cancellation of its certificates.

for a description of customer notification efforts and copies of written notices.<sup>3</sup>

The Commission finds that Winstar's customers should receive at least thirty (30) days' advance notice of discontinuance.

NOW THE COMMISSION, being sufficiently advised, will grant the requested partial discontinuance of local exchange and interexchange telecommunications services.

Accordingly, IT IS ORDERED THAT:

(1) This matter is docketed and assigned Case No. PUC-2002-00073.

(2) Winstar is hereby granted authority to partially discontinue its provision of telecommunications services provided by its facilities-based wireline services, which are facilities-based local exchange and interexchange telecommunications services effective April 29, 2002.

(3) On or before April 26, 2002, Winstar shall report to the Commission's Division of Communications the number of any remaining customers affected by the proposed partial discontinuance.

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<sup>3</sup> A copy of its customer notice is attached to the Petition. The customer notice appears overall to satisfy the requirements of the Rules Governing the Discontinuance of Local Exchange Telecommunications Services Provided by Competitive Local Exchange Carriers (20 VAC 5-423-10 et seq.).

(4) This case shall be closed, and the papers herein shall be placed in the file for ended causes.